

ONEIDA COUNTY PLANNING & ZONING
MAY 31, 2006
12:00 P.M. – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski – excused absence
Frank Greb
Ted Cushing
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Lawrence Heath, Corporation Counsel
Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 12:05 P.M., in accordance with the Wisconsin Open Meeting Law. Chair Metropulos noted that Scott Holewinski was excused from the meeting.

2. Discussion/decision to approve the agenda.

MOTION: (Ted Cushing/Frank Greb) to approve the May 31st 2006 agenda. With all members present voting “aye” motion carries.

3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Ted Cushing/Frank Greb) to enter into Closed Session, Roll Call Vote: Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye”, motion carries.

Time: 12:07 P.M.

4. A roll call vote will be taken to return to open session

MOTION: (Larry Greschner/Ted Cushing) to return to open session. Roll Call Vote: Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye”, motion carries.

Time: 1:05 P.M.

For the record, the Committee conferred with legal counsel regarding possible litigation.

7. Discussion/decision to approve meeting minutes of May 3, 2006.

MOTION: (Ted Cushing/Frank Greb) to approve both the regular and public hearing meeting minutes of May 3, 2006. All “aye”, motion carries.

8. Discussion/decision concerning the 3-lot preliminary CSM of Jeremy Ceranski, owner, on property located in Gov't Lot 7, Section 18, T39N, R7E, in the Town of Woodruff.

Steve Osterman, Planning Manager, explained to the committee that this was previously in front of the P & Z Committee at the last meeting. All three lots exceed the minimum lot size and frontage requirements. Previously, there were concerns by some of the committee members regarding the out-lot, which has a cul-de-sac with a leg on it. Some committee members wanted a wider approach to Lakeshore Drive than what it is now so if the Town would ever build up Lakeshore and make improvements to it, the turnaround would not be skinny at the very end of it and there was also the mention of the cul-de-sac radius under the County code, which states that it can not be less than 50', the cul-de-sac is proposed at 45' and the Town of Woodruff's dimensions are also at 45'.

Jim Rein, Wilderness Surveying, stated that basically at the Town of Woodruff Town Board meeting the members asked who would be better to have out lot #1 as a Town road because the Town will utilize it as a turnaround. Therefore, what was decided upon was that the Town of Woodruff would utilize it as a turnaround with a cul-de-sac radius of 45'. The garage will be removed by the Ceranski's, which will allow for more space for this radius.

Mr. Osterman, read the conditions to the committee.

1. Lot 1, replace the failing septic system within one year or upon sale, whichever comes First.
2. Road will be accepted and deeded over to the Town of Woodruff upon the final CSM.
3. Utilities will be allowed within the roadway
4. Out lot, remove the garage permit required
5. Lot 3, access to the waterway will be elevated walkway only
6. Staff verification to flood plain

MOTION: (Ted Cushing/Frank Greb) to approve the 3-lot preliminary CSM of Jeremy Ceranski, Item #8 on today's agenda, with conditions as outlined by staff and the understanding that the Town of Woodruff is acceptable and amenable to a 45' radius cul-de-sac. All “aye”, motion carries.

9. Discussion/decision concerning the preliminary 2-lot CSM of James Swartout, owner, on property described as Lot 1, Pinewood Park Estates, being in the SE NE, Section 12, T39N, R5E, in the Town of Minocqua, PIN# MI 1729-1.

Nadine Wilson, Land Use Specialist, presented the preliminary 2-lot CSM of James Swartout to the committee. This property is a Class one waterway, which means the property is less than fifty acres. This property is zoned Rural Residential and on the water. There are no wetlands. There is a sanitary system located on the house lot and was installed in 1990. Ms. Wilson went on to say that Pinewood Drive is gas taxed road, which is owned by the Town of Minocqua. This road has never been maintained, but is platted as a town road. The Town of Minocqua Planning Commission did not have a problem with this 2 lot CSM. The boring on Lot #1 will accommodate a conventional sanitary system. Staff recommends approval along with any concerns from the

Town of Minocqua and that Mr. Swartout contact the Land Information Office for a fire number for Lot #1.

MOTION: (Larry Greschner/Frank Greb) to approve the preliminary 2-lot CSM of James Swartout, on property described as Lot 1, Pinewood Park Estates with staff concerns, #9 on today's agenda. All "aye" on voice vote. Motion carries.

10. Discussion/decision concerning a boathouse zoning permit application for James Bourne on property described as the S2/3 of Lot 4 of the 1st addition to Glencoe Subdivision and being further described as being located in Section 33, T39N, R7E, in the Town of Woodruff, PIN# WR 420-15.

Mr. Pete Wegner, Assistant Zoning Director, stated that Mr. Bourne has filed for a building permit application but has not paid the fee yet.

Mr. Jennrich recommended to the committee that it might be a good idea to go on an onsite inspection of this boathouse.

Mr. Wegner explained to the committee that Mr. Bourne submitted drawings of the boathouse, which shows contour intervals and elevations starting from the beginning to the end of the actual boathouse. The Oneida County Ordinance does not allow for a permit to be issued for excavation that is on a slope greater than 45%. The actual slope elevation at the end of the boathouse is 56% and if you add in the small slab it is only 48% and if you add in the actual excavation, which he shows on his drawings plans, which is approximately four feet beyond the footings you get 40%. This is a major issue. Mr. Wegner feels that this permit should be denied.

MOTION: (Frank Greb/Larry Greschner) to support staff's denial regarding the boathouse zoning permit application for James Bourne, Item #10 on today's agenda. All "aye" on voice vote. Motion carries.

11. Discussion/decision concerning Section 9.93 Waterway Classifications in the Oneida County Zoning & Shoreland Protection Ordinance. –

Mr. Jennrich explained to the committee that there were previous discussions regarding lots created prior to and after May 19, 1999. The issue is that there are two similar size lots side by side in an identical zoning district and they are treated differently because of the mere fact that when they were created:

1. If the lot is created after May 19, 1999 a frontage multiplier is required
2. If the other lot is created prior to May 19, 1999 a frontage multiplier is not required

This just doesn't seem fair when you have two lots zoned the same side by side, but are treated differently due to lots created prior and after May 19, 1999.

Mr. Jennrich briefly explained to the committee Exhibit #1-DRAFT 5/31/06 – additions and deletions to 9.93 LOT SIZES IN SHORELAND AREAS; WATERWAY CLASSIFICATION (amend. #08-2000)(79-2003)

12. Discussion/decision concerning amendments to Section 9.55 Adult Oriented Business Ordinance in the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Jennrich stated that at the last meeting the definition of establishment, expansion or accommodation of expansion of sexually oriented businesses, whether the business is permitted under the ordinance section where a legal pre-existing use that is equal to or more than 25% of it's existing floor space on February 26, 2006 was discussed. This all evolves around Don Dalponte being grandfathered in. Mr. Jennrich telephoned Mr. Dalponte regarding expansion and what Mr. Dalponte could live with. Mr. Dalponte stated that even at 100% expansion, he still wants to be grand fathered and not regulated by 9.55. Mr. Jennrich cannot write an ordinance, which does that.

Mr. Jennrich stated that if Weasel's becomes rezoned to General Use the establishment will be a conforming use within the district, because the ordinance only allows adult establishments within areas zoned General Use. Therefore, Weasel's would be legal pre-existing and could expand up to 25% without any permits except for building permits, etc. Once expansion goes beyond 25% a permit would have to be applied for according to the 9.55 ordinance unless the committee wishes to change the expansion to another %.

The next process for this ordinance is to schedule for a public hearing or discuss the expansion percentage at the public hearing.

MOTION: (Frank Greb/Ted Cushing) to change definition #11 – Establishment that is equal to or more than 25% of the existing floor to 100% of the existing floor space and forward on to a public hearing.

Mr. Jennrich explained that if you have a legal pre-existing business, it would be allowed to expand up to 100% and not be covered under the ordinance.

With all members voting “aye”, motion carries.

13. Discussion/decision concerning a petition to rezone property from #07 Business zoning district to #10 General Use zoning district for Donald DalPonte d/b/a Weasels on property described as part of the SE NW, Section 24, T39N, R10E, in the Town of Three Lakes, PIN# TL 278-1A.

Mr. Jennrich discussed that fact the town does not want multiple parcels rezoned as recommended by Planning & Zoning Staff. The Town of Three Lakes only wants Don's property rezoned. This could be considered a spot zone.

MOTION: (Frank Greb/Larry Greschner) to rezone Pin# TL 278-1A from #07 Business zoning to #10 General Use zoning, Item #13 on today's agenda. With all members voting “aye”, motion carries.

14. Departmental operations/activities & status. – Letters received from Ted Cushing regarding Squash Lake and a Septic System (pumping)

15. Discussion/decision of line item transfers, refunds, purchase orders and bills. - NONE

16. Discussion/action concerning pending Ordinance Amendment and/or Resolution proposals scheduled for the County Board of Supervisors. - NONE

17. Communications – NONE

18. Public comments. - NONE

19. Discussion/decision regarding future agenda items. – Section 9.93 Waterway Classifications and Boathouse Zoning Permit.

5. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. A roll call vote will be taken to go into closed session.

MOTION: (Ted Cushing/Frank Greb) to enter into Closed Session, Roll Call Vote: Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye”, motion carries.

Time: 2:12 P.M.

6. A roll call vote will be taken to return to open session

MOTION: (Frank Greb/Larry Greschner) to return to open session. Roll Call Vote: Frank Greb “aye”, Larry Greschner “aye”, Ted Cushing “aye” and Bob Metropulos “aye”. All “aye”, motion carries.

Time: 2:20 P.M.

20. Adjourn.

2:25 PM There being no further matters to lawfully come before the Committee, a motion was made by Larry Greschner, second by Ted Cushing to adjourn the meeting. With all members present voting “aye”, the motion carried.

Chairman Bob Metropulos

Karl Jennrich Zoning Director